

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

**In re Gonzalo Arellano-Espinoza, and,
 Adriana Perez Ochoa (Non-Filing Spouse)**

Chapter 13

Debtor(s)

Case No.: 17-28484-BHL

Motion for Relief from Order

The Debtor, Gonzalo Arellano-Espinoza, by Consumer Advocates of Wisconsin, LLC, by Attorney Jonathan Mas, hereby moves the Court for relief from the Order on Motion for Relief from Stay and Co-Debtor Stay and Abandonment entered on November 6, 2017. In support of this motion, the Debtor asserts the following:

1. The Court conducted a hearing on October 31, 2017 to consider the Motion for Relief from Stay filed by Mitchell Bank. Based on the arguments made by the parties at that hearing and the record before the Court, the Court entered an Order on November 6, 2017, document number 22 on the docket in this Chapter 13 proceeding, denying the Motion for Relief but requiring the sale of the Debtor's property at 720 S. 90th Street, Milwaukee, WI to close and Mitchell Bank to be paid in full on or before November 30, 2017.
2. The Order imposed other conditions on the Debtor. The Debtor has complied with all conditions except the closing did not complete on November 30, 2017 and therefore Mitchell Bank has not yet been paid in full.

Drafted by:

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3. After the hearing, the Debtor's Motion to Sell was approved by Order of the Court on November 15, 2017.
4. The closing was scheduled on November 30, 2017 at 2:00 PM. On the morning of the closing, the Debtor's counsel was informed of a request by the involved title companies to produce a letter from the Trustee clarifying, among other things, how certain debts would be paid. The Debtor's counsel contacted the Trustee and was able to facilitate production of the letter. However, the closing was still cancelled only about one hour before it was scheduled to occur. As of the filing of this motion, the Debtor and his counsel have not received a specific response as to why the closing was cancelled.
5. Debtor's counsel did communicate with all involved parties to the sale to confirm that all parties are now ready to proceed with the closing. The only information that would need to be produced or updated is to "adjust the prorations and per diem on payoffs for the new closing date," per Debtor's counsel's correspondence with the parties to the sale. Further, a rescheduled closing date of December 5, 2017 has been agreed to be all parties to the sale.
6. The Debtor requests relief from the ordered requirement that the sale be closed and Mitchell Bank be paid in full by November 30, 2017. The Debtor requests that these deadlines be extended to December 5, 2017. The Debtor asserts that he has worked in good faith by otherwise complying with the conditions of the Court's 11/6/2017 order and by, through his counsel, working with the sale parties to try to comply with all requests made for the closing on November 30, 2017. Despite the Debtor's best efforts, he was not able to close the sale.

7. The Debtor asserts that any prejudicial impact on Mitchell Bank is minimal because 1) he is requesting for the deadline to be extended only five days, 2) Mitchell Bank would need to, at a minimum, obtain an order for relief from this Court, presumably reschedule a sheriff's sale or have the sheriff's sale confirmed, before realizing its collateral through foreclosure, and that process would take significantly longer to complete than the contemplated sale closing and 3) all creditors in this case would benefit significantly by the proposed sale because the sale proceeds would provide for full payment of all scheduled claims.

WHEREFORE, the Debtor respectfully requests that the Court grant relief from the prior order and grant any other relief that is just and proper.

Dated this 30th day of November, 2017 at Milwaukee, Wisconsin.

/s/

Consumer Advocates of Wisconsin, LLC
Attorney for the Debtors
By: Attorney Jonathan Mas
State Bar No. 1084768

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Order Granting Debtor's Motion for Relief from Order

The Debtor filed a Motion for Relief from the Order entered on November 6, 2017.

Based on the record before the Court,

IT IS HEREBY ORDERED that the Debtor's Motion for Relief from Order is granted and the sale of the Debtor's property located at 720 S. 90th Street, Milwaukee, WI shall close and Mitchell Bank shall be paid in full on or before December 5, 2017.

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Certificate of Service

I, Attorney Jonathan Mas, certify that on November 30, 2017, I caused the **Motion for Relief from Order Sustaining** filed with the Court to be served to the following parties by **first class U.S. mail** or, if so indicated below, by electronic service using the Court's CM/ECF system:

1. Office of the US Trustee by electronic service.
2. Chapter 13 Trustee Scott Lieske by electronic service.
3. Attorney Penny G. Gentges on behalf of creditor Mitchell Bank by electronic service.

Dated this 30th day of November, 2017

/s/

Consumer Advocates of Wisconsin, LLC
Attorney for the Debtor
By: Attorney Jonathan Mas
State Bar No. 1084768